

MILBERG LLP
Matthew Gluck
Matthew A. Kupillas
Jennifer L. Young
Joshua E. Keller
One Pennsylvania Plaza
New York, NY 10119
Tel: (212) 594-5300
Fax: (212) 868-1229

Attorneys for Trust U/W/O Harriet Myers

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ESTATE OF ELEANOR MYERS a/k/a
ELEANOR BLOCK a/k/a LEE BLOCK,

TRUST U/W/O HARRIET MYERS,

MARK E. BLOCK, in his capacity as Personal

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05401 (SMB)

Representative and Beneficiary of the Estate of
Eleanor Myers, and as Trustee of the Trust
U/W/O Harriet Myers,

GERALD J. BLOCK, individually and as
Beneficiary of the Estate of Eleanor Myers,

MELISSA MYERS, as Beneficiary of the Trust
U/W/O Harriet Myers, and

JASON MYERS as Beneficiary of the Trust
U/W/O Harriet Myers,

Defendants.

NOTICE OF DEFENDANT'S MOTION TO DISMISS

PLEASE TAKE NOTICE THAT Defendant Trust U/W/O Harriet Myers hereby moves for an Order dismissing the Amended Complaint in this adversary proceeding pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (made applicable by Fed. R. Bankr. P. 7012).

The Motion is based upon accompanying Memorandum of Law and the exhibits thereto, all pleadings and papers filed in these proceedings, and any other matters that may properly come before the Court in connection with this Motion.

The Motion will be scheduled for further briefing, oral argument, and submission in accordance with the Litigation Case Management Procedures previously adopted by the Court.

Dated: New York, New York
March 3, 2014

s/ Matthew A. Kupillas
MILBERG LLP
Matthew A. Kupillas
E-mail: mkupillas@milberg.com
Matthew Gluck
Jennifer L. Young
Joshua E. Keller
One Pennsylvania Plaza
New York, NY 10119

Telephone: (212) 594-5300
Facsimile: (212) 868-1229

SEEGER WEISS LLP
Stephen A. Weiss
Parvin K. Aminolroaya
77 Water Street, 26th Floor
New York, NY 10005
Telephone: (212) 584-0700
Facsimile: (212) 584-0799

Attorneys for Trust U/W/O Harriet Myers

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